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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,741	09/18/2000	Dickory Rudduck		5912

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EXAMINER

THOMPSON, KENNETH L

ART UNIT PAPER NUMBER

3672

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/646,741

Applicant(s)

RUDDUCK, DICKORY

Examiner

Kenneth Thompson

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35, 37, 38, 40 and 45-53 is/are pending in the application.
- 4a) Of the above claim(s) 3, 8, 22-35, 37 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 9-11, 14-21, 40 and 45-53 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8Mar05</u> . | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 2, 4-7, 9-11, 14-21, 40 and 45-53 rejected under 35 U.S.C. 103(a) as being unpatentable over Walburn et al., U.S. 5,241,451 in view of Coneski et al., U.S. 5,269,213.

Regarding claims 1 and 14, Walburn et al. discloses in figures 1 -13 a connecting means adapted to releasably fix a first element (11) second element (12). Walburn et al. discloses the connecting means including a locking means (35,38,39,40) movable in a deformable channel (36) by remote activation means (col. 5, lines 28-45; a tool not shown) between a locked position (fig 13) in which the first element is locked to the second element; and the locking means is movable by the or another remote activation means to an unlocked position (fig 12) in which the first element is released from the second element. Walburn et al. discloses in the locked position the channel (36) is substantially un-deformed (fig 13) in the region of the locking means and the locking means prevents deformation of the channel in that region. Walburn et al. does not disclose a lack of physical contact between the connecting means and the remote activation means. Coneski et al. teaches use of an actuation means (20,25) not contacting the connection means (60) to reduce wear on the actuation means (col. 3, lines 35-39). It would have been obvious to one having ordinary skill in the art at the time of the invention to arrange for the connection means to not be effected by physical contact with the actuation means, as

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taught by Coneski et al. to avoid associate damage thereby extending the useful life of the actuator.

As to claim 2, Walburn et al. discloses the locking means is a locking pin (35), the channel (36) has a base (41) and deformable sides (20,21) and the locking pin (35) is adapted to be moved within the channel by remote activation means towards or away from the base.

As to claim 4, Walburn et al. discloses the locking pin (35), the sides of the channel (36) and the base (41) are of indefinite length. Applicant should note that a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

As to claim 5, Walburn et al. discloses the two locking pins each disposed in a channel with a base and deformable sides (figs 3 and 4).

As to claim 6, Walburn et al. discloses the connecting means is flexible.

As to claim 7, Walburn et al. discloses the connecting means provides for adjustment of the first element (11) relatively to the second element (12) in one, two or three dimensions(fig 9, 12 adjustable in planes perpendicular to plane of 11).

As to claim 9, Walburn et al. discloses the remote activation means adapted to move the connecting means is by use of a tool. Walburn et al. does not disclose the use of magnetic force. Coneski et al teaches use of magnetic force as a remote actuation means to reduce damage associated with connections effected by physical contacting elements. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the remote activation means disclosed by Walburn et al. to be magnetic force; as taught by Coneski et al. to avoid damage. The use of magnetism to affect movement is well known in the art.

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As to claims 10 and 11, Walburn et al. discloses a signal means (position of 20 and 21) adapted to indicate whether the first element is locked to or released from the second element (figs 13 and 12).

As to claim 15, Walburn et al. discloses the first element (11) is aligned with the second element (12) before the remote activation means is applied to the fix the first element to the second element.

As to claim 16, Walburn et al. discloses the movement of the locking means (35,38,39,40) to the locked position (fig 13) or to the unlocked position (fig 12) causes no mark or damage to the first or second element.

As to claim 17, Walburn et al. discloses the first element (11) is fixed to more than one second element (col. 1, lines 5-10).

As to claim 18, Walburn et al. discloses the second element (12) is fixed to more than one first element (col. 1, lines 5-10).

As to claim 19, Walburn et al. discloses a plurality of first elements fixed to a plurality of second elements.

As to claims 20 and 21, Walburn et al. discloses the first and second elements are not identical.

As to claim 40, Walburn et al. discloses the connecting means is capable of relating whether the first element (11) is fixed to the second element (12), whether the first element is released from the second element and whether the connecting means has been damaged (visually to the operator).

As to claim 45, Walburn et al. discloses the locking means is a locking pin (35) and the channel (36) is tubular.

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As to claim 46, Walburn et al. discloses in fig 21 the channel has an external protrusion (48) adapted to lock into a recess (45) in the locked position.

As to claim 47, Walburn et al. discloses the connecting means is a clip, bolt (35) or a strip connector.

As to claim 48, Walburn et al. discloses the connecting means is attached to or inserted in the first (11) or second (12) element.

As to claim 49, Walburn et al. discloses a plurality of connecting means (fig 11) adapted to be fixed or released in a predetermined sequence.

As to claim 50, Walburn et al. discloses the locking means (35,38,39,40) is adapted to move in a linear path between the locked position and the unlocked position.

As to claim 51, Walburn et al. discloses the first element and the second element form an assembly.

As to claims 52 and 53, Walburn et al. discloses the first element and the second element is an item of computer hardware (col. 1, lines 5-10).

### ***Allowable Subject Matter***

Claims 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose or suggest all the claimed subject matter including a means for reporting damage or stress caused by the connecting means includes encryption.

***Response to Arguments***

Applicant's arguments filed 08 March 2005 have been fully considered but they are moot in view of the new grounds of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

17 May 2005

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